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*Counsel for Defendants Alfresco Software Ltd.,  
 Alfresco Software, Inc. and Carahsoft Technology Corporation*

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

OPEN TEXT S.A.,

Plaintiff,

v.

ALFRESCO SOFTWARE LTD.,  
 ALFRESCO SOFTWARE, INC. AND  
 CARAHSOFT TECHNOLOGY  
 CORPORATION,

Defendants.

Civil Action No. 13-CV-04843 JD

**STATEMENT OF RECENT DECISIONS**

Hon. Judge James Donato



Pursuant to Local Rule 7-3(d)(2), Defendants Alfresco Software Ltd., Alfresco Software, Inc., and Carahsoft Technology Corp. (collectively “Defendants”), by counsel, provide notice of recent authorities relevant to the Defendants’ pending Motion to Dismiss Plaintiff’s First and Second Causes of Action for Failure to State a Claim (Dkt. No. 35) (“Motion to Dismiss”).

On September 3, 2014, after briefing of the Defendants’ pending Motion to Dismiss, the United States District Court for the Eastern District of Texas (Federal Circuit Judge William Bryon sitting by designation) issued an opinion in the case of *Loyalty Conversion Systems Corp. v. American Airlines, Inc., et al.*, No. 2:13-CV-655, --- F. Supp. 2d ---, 2014 WL 4364848 (E.D. Tex. Sept. 3, 2014) (a copy of which is attached as **Exhibit 1**). The *Loyalty* opinion addresses 35 U.S.C. § 101—a subject addressed in connection with Defendant’s Motion to Dismiss (*see* Dkt. Nos. 35, 36, 43, 57)—and grants defendants’ motion for judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure, holding the asserted claims invalid under § 101.

On September 3, 2014, after briefing of the Defendants’ pending Motion to Dismiss, the United States District Court for Delaware issued an opinion in the case of *Tuxis Technologies, LLC v. Amazon.com, Inc.*, No. 13-1771-RGA, 2014 WL 4382446 (D. Del. Sept. 3, 2014) (a copy of which is attached as **Exhibit 2**). The *Tuxis* opinion addresses 35 U.S.C. § 101—a subject addressed in connection with Defendant’s Motion to Dismiss (*see* Dkt. Nos. 35, 36, 43, 57)—and grants defendant’s motion to dismiss for failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure, holding the asserted claims invalid under § 101.

Dated: September 9, 2014

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON

By: /s/ Byron R. Chin

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